IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 19219 of 2007(K)

PETITIONER:

K.O.AGASTHY, AGED 85 YEARS,
S/O. OUSEPH, RESIDING AT KATTAKKAKATH HOUSE,
MOOZHIKULAM, KURUMMASSERY, PARASSERY VILLAGE.

BY ADV. SRI.S.SUDHISH KUMAR
SRI.K.B.DAYAL

RESPONDENTS:

---

1. THE ASSISTANT ENGINEER, KERALA STATE ELECTRICITY BOARD, PARAKKADAVU SECTION.

2. THE ASSISTANT EXECUTIVE ENGINEER, ELECTRICAL SUB DIVISION, ANGAMALY.

3. THE ADDITIONAL DISTRICT MAGISTRATE, ERNAKULAM.

4. JOY CHERIAN, THODIKKARAN HOUSE, MOOZHIKKULAM, KURUMMASSERY P.O.

R1&2 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
R4 BY ADV. SRI.RAJIT
ADV. SRI.M.L.SURESH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.19219 of 2007

.....

Dated this the 14th day of September, 2007.

JUDGMENT

Heard counsel for the petitioner, Standing Counsel for KSEB and counsel appearing for 4th respondent. The W.P. is filed challenging Ext.P6 order of the ADM rejecting petitioner's application for shifting of an electric line drawn over petitioner's property for giving connection to 4th respondent. Counsel for KSEB has produced a sketch which shows that petitioner as well as 4th respondent are given connection from a line drawn over petitioner's property. The extent of line passing over petitioner's property for giving connection to 4th respondent is 35 metres overhead line. The petitioner's case is that line could be drawn from another point over a pathway which is used as such by the 4th respondent also. The petitioner's case is that already there is a telephone cable passing over the said pathway which is serving the 4th respondent as well. However, Standing Counsel for KSEB submitted that the length of the line in the alternate route is 137 metres overhead line which involves insertion of 4 posts. Besides this, the line passes over private property of 4 persons. Even if there is a pathway existing, the drawal of the line may be objected by land owners over whose

property the pathway exists. The alternate route is therefore expensive and require the consent from several persons. Therefore, for the present, petitioner cannot press for shifting of the line to the alternate route. However, if any line is drawn nearer to the beneficiary's property later in the course of giving connection to others in the area, it is always open to the petitioner to ask for shifting of the line. The petitioner has stated that his property has to be divided among his children who want to construct independent houses. As and when houses are constructed, I feel present line can be drawn underground through insulated cable so that petitioner can get rid of the inconvenience from out of the line. Even as of now, if the petitioner is willing to meet 50% of the cost, there will be direction to KSEB to convert the line to an underground cable after recovering 50% of the cost from the beneficiary namely, 4th respondent and retain the connection. If the petitioner wants to shift the post standing inside his property to the boundary of his property, the KSEB will do it, if it is technically possible, at the cost of the petitioner.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms